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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226815
Party	Defendant Advanced Polymer Inc.
Correspondence Address	ANDRY HONG ADVANCED POLYMER INC 4208 185TH PL SE ISSAQUAH, WA 98027-9762 UNITED STATES AHONG@ADVANCEDPOLYMER.US
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	ANDRY HONG
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Date	06/28/2016
Attachments	APPLICANT AMENDED ANSWER TO NOTICE OF OPPOSITION NO. 91226815.pdf(858791 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No. 86/704,515

For the Mark: 

Filed on July 24th 2015,

Published on the *Official Gazette* on February 9th, 2016

CONOPCO, INC.,

Opposer,

-against-

ADVANCED POLYMER, INC.,

Applicant

Opposition No: 91226815

Applicant's Amended Answer to Notice of Opposition No. 91226815

Advanced Polymer, Inc. ("Applicant"), answers to Conopco, Inc.'s ("Opposer") Notice of Opposition as follows:

1. Applicant admits that the Opposer being one of the largest and well-established manufacturer of a variety of soaps, body washes, and skin care products under "CARESS" brand.
2. Applicant admits that Opposer's products bearing CARESS Mark are widely-used personal cleaning products.
3. Applicant admits that Opposer's products are advertised and sold to general public for personal use and care.
4. Applicant admits that Opposer's CARESS Mark is famous and entitled to protection for products related to personal use and skin care.
5. Applicant admits that Opposer is the owner of the federal registered Marks for goods listed in paragraph 5.

6. Applicant admits allegations of paragraph 6.

Applicant's CARESSE (Stylized) Mark

7. Applicant admits allegations of paragraph 7.
8. Applicant admits allegation of paragraph 8.

False Suggestion of a Connection. 15 U.S.C § 1052 (a) &

Likelihood of Confusion, 15 U.S.C 1052 (d)

9. Applicant repeats and realleges, as if fully set forth herein, each and every allegation contained in the foregoing paragraphs.

10. Applicant admits allegations of paragraph 10.

11. Applicant admits that Opposer's Mark became famous before the filing of Applicant's House Mark.

12. Applicant admits that its House Mark "CARESSE" is a French word which has the same meaning and similar sound to the Opposer's Mark "CARESS". Applicant denies allegation about its Mark having identical appearance to Opposer's Mark.

13. Applicant denies that the goods listed in the Application being identical or closely related to goods listed in Opposer's Registration. Opposer's goods are for skin care whereas Applicant's product is not allowed to be used directly on skin due to being a hazardous chemical.

14. Applicant denies each and every allegation of paragraph 14.

15. Applicant denies each and every allegation of paragraph 15.

16. Applicant denies allegations of paragraph 16. Applicant further affirmatively alleges that there is no likelihood to cause confusion, to cause mistake, or to deceive consumers since Applicant's product labels have its brand and logo (KERAKUSE) prominently printed above its Mark.

17. Applicant denies each and every allegation in paragraph 17.

Dilution, 15.U.S.C § 1125 (c)

18. Applicant repeats and realleges, as if fully set forth herein, each and every allegation contained in the foregoing paragraphs.

19. Applicant admits allegations of paragraph 19.

20. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

21. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

22. Applicant further affirmatively alleges that there is no likelihood of dilution by blurring or tarnishment, because Opposer's Mark is associated with inexpensive soaps and detergents for skin care where as Applicant's mark is associated with expensive chemical for nails.

23. Applicant denies allegations of paragraph 23.

WHEREFORE, Applicant respectfully requests that the notice of opposition be dismissed.

Respectfully submitted, the 28th of June, 2016.



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CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing Applicant's Amended Answer to Notice of Opposition No. 91226815 has been served on opposing counsel by mailing said copy on June 28, 2016, via First Class Mail, postage prepaid to:

Lisa Rosaya
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452 Fifth Avenue
New York, New York 10018


ANDRY HONG